

## **MINUTES**

Braam Oversight Panel  
Department of Labor and Industries Tukwila Office  
Training Room  
12806 Gateway Drive  
Tukwila, WA 98168  
June 6, 2011

**Panel Members:** John Landsverk (Chair), Jan McCarthy, Jeanine Long, Jess McDonald, Dorothy Roberts

**Panel staff:** Carrie Whitaker Hennen

**Plaintiffs' Attorneys:** Casey Trupin, Erin Shea McCann, Bill Grimm, Tim Farris

**Attorney General's Office:** Steve Hassett

**DSHS Staff:** Denise Revels Robinson, Becky Smith, Rich Pannkuk, Marty Butkovitch, Joel Odimba, Nancy Sutton, Deborah Purce, David Del Villar Fox, Jessica Pierce

**Others:** Laurie Lippold, Jennifer Strus, Susan Brook, Roberta Nestaas, Patrick Dowd, Mary Meinig

**Note:** The minutes are a general summary of discussion and do not attempt to document every comment. The minutes are supplemented by the attached materials and handouts used during the meeting

### **Introduction**

John Landsverk called the meeting to order, and noted that this is the final public meeting of the Braam Panel under the current Braam Agreement.

### **Children's Administration Updates—Denise Revels Robinson, Assistant Secretary**

*See handout: CA Updates, Denise Revels Robinson*

[http://www.braampanel.org/MinutesJune11\\_CAUdates.pdf](http://www.braampanel.org/MinutesJune11_CAUdates.pdf)

Denise Revels Robinson provided updates on several key Children's Administration activities.

Denise noted that CA had received two pieces of good news during the previous week. First, the Department has learned that the state will receive between \$1 and 2 million in adoption incentive bonus funding for 2009. She noted that Washington had initially been denied adoption incentive funding for 2009, but the Department had appealed to the Administration on Children, Youth and Families for reconsideration and worked with them to improve and validate data for the period. The second piece of good news was that the state will be receiving 199 Family Unification Program Vouchers from the U.S. Department of Housing and Urban Development. These vouchers will be available to prevent placement or facilitate reunification in situations in which inadequate housing is a primary factor in family's involvement in the child welfare system. In addition, these vouchers will be available for older youth aging out of foster care who are at risk of homelessness. Washington State's application for this funding was a combined effort between DSHS and public housing authorities across the state.

#### Child and Family Services Review (CFSR)/ Program Improvement Plan (PIP)

Denise reported that the Department had received the final Child and Family Services Review (CFSR) report on May 9, 2011, and that development of the Program Improvement Plan (PIP) is underway. The PIP will focus on opportunities for improvement identified through the CFSR process including improving child safety, increasing family engagement, strengthening the focus on timely permanency, and improving the array of services available to children and families. The PIP is due to be submitted to the Children's Bureau in July 2011. Additional information about the CFSR and PIP can be found at <http://www.dshs.wa.gov/ca/CFSR/about.asp>.

#### Government Management Accountability and Performance (GMAP)

Denise reported that a GMAP with the Governor had taken place on May 11, 2011. Denise stated that Governor Gregoire was very pleased with the Department's performance with respect to timely face-to-face visits with alleged victims in child protective services referrals (24 hour response time for emergent referrals, 72 hour response time for non-emergent referral). Denise noted that in February 2011, required response times were met in 99% of cases. Denise noted that data related to caseload size, repeat maltreatment and monthly visits had also been presented to the Governor.

#### Performance Based Contracting/ Request for Proposals (RFP) Update)

Denise reported that the Washington Federation of State Employees had filed suit in Thurston County Superior Court, asking the court to order the Children's Administration to stop moving forward with its proposed method for implementing legislatively-mandated Performance Based Contracting for Services. On May 13, 2011, the court granted a preliminary injunction, with the judge ruling that the Department's process of implementing phase 1 of 2SHB2106 (which requires the Department to reduce the number of contracts and convert them to performance-based contracts) seemed to be an attempt to implement phase 2 of the legislation (which creates two pilot sites in which case management is contracted out). In addition, the judge ruled that the language in 2SHB2106 does not exempt the Department from the requirements in RCW 41.06.142 to provide statutory notice to affected employees. As a result of the ruling, on May 26, 2011 the Department notified the seven entities who had responded to the RFP that the RFP is being formally withdrawn. The next step over the coming 90-120 days will be to bargain with the Washington Federation of State Employees (WFSE).

John Landsverk asked about the fiscal impact of stopping the RFP process. Rich Pannkuk noted that the funding that was earmarked for Performance Based Contracting will still be spent on contracted services. No additional funding had been provided for administrative costs, so these costs are being absorbed by the Department. The Department is examining areas in which expenses have been incurred, such as changes that were made to FamLink related to the RFP process, and attempting to quantify those costs.

Denise Revels Robinson noted that most of the Department's existing contracts end on June 30, 2011. The Department is now working to renew those contracts and to incorporate additional performance measures into the renewed contracts. Jan McCarthy asked whether the Department is still obligated by 2SHB2106 to reduce the total number of contracts and convert them to performance based contracts, even though the Department has stopped the RFP process. Denise said that they are, noting

that the Department is still bound by the legislation and is moving forward to meet its requirements. She noted that the issues raised in the union's lawsuit revolve around the lead agency model and how case management and service coordination are defined. She noted that WFSE had contended that the lead agency model would have resulted in bargained work being contracted out. Denise noted that a bill had been introduced in the final days of the legislative session that would have retroactively clarified how case management and service coordination are defined, but that legislation had failed. She indicated that the Department will focus on quality, outcomes and accountability in the contracts that are currently being amended and renewed.

Steve Hassett noted that, in addition to filing the lawsuit, WFSE had also filed an unfair labor practice complaint against the Department for failing to bargain. This is a separate process, but deals with the same issues.

#### DSHS Regional Consolidation

Denise Revels Robinson reported that the 6 DSHS regions had been consolidated into three regions as of May 1, 2011. She asked the regional administrators from the newly consolidated regions to report on transition activities.

Marty Butkovitch, Regional Administrator of consolidated Region 1 (includes the former Regions 1 and 2), noted that the new Region 1 is very large geographically. He reported that he had convened staff meetings in all offices during April. Marty reported that he and the other Regional Administrators are working closely together to improve consistency of procedures and roles and responsibilities across the regions. Marty also noted that he is learning that Regional Administrators' jobs are very different with the larger regions, so they are all working to determine how and to whom to delegate work that they used to do themselves.

Marty noted that the new Region 1 is working on efforts to regionalize adoptions. In addition, this is an opportunity for former Regions 1 & 2 to learn from each other and build on what was being done well in each area in the past. Marty also noted that they are working to consolidate reporting and quality assurance functions. In addition, CA RAs are meeting with RAs of other DSHS administrations in the newly consolidated regions to improve planning and coordination among DSHS administrations.

Jess McDonald asked whether there is a consistent approach to defining the responsibilities of a Deputy Regional Administrator so they are the same across the state. Marty said that the RAs have worked among themselves to more clearly and consistently define these roles, and have developed a set of about 8-10 areas that are the responsibility of Deputy RAs across the state. Becky Smith agreed, noting that the regional consolidation is a great opportunity to promote consistency across regions.

Joel Odimba provided an update on transition activities in the newly consolidated Region 2 (formerly Regions 3 and 4). He noted that one of his priorities has been communicating to staff and stakeholders that the area is now a single region. In the past, there was extensive collaboration between Regions 3 and 4 on planning, training, resource sharing, etc, so the consolidation of the regions builds on those collaborative efforts. Joel noted that he has met with the 12 tribal entities in region 2, and is also meeting with child placing agencies and legal partners to share information about the consolidation.

The region is updating its staff directory and developing a new organizational chart to be clear about reporting relationships.

Nancy Sutton, Regional Administrator of the newly consolidated Region 3 (formerly Regions 5 and 6) noted that she has visited all 12 of the offices that are new to her (those in the old Region 6) and has met with or has plans to meet with all of the tribes in the region. In her region, an integrated regional strategic planning session was held to discuss opportunities for consolidating the intake structure and adoptions process. Nancy noted that the regional consolidation plan calls for a secondary hub in Vancouver, WA, but that there is currently no DSHS regional office there. In the short term, the secondary hub will remain in Tumwater while the region works to assess costs and a process for creating a hub office in Vancouver. Nancy also noted that she is meeting with judges, foster parents, and other partners regarding the organizational changes.

Becky Smith reminded the group that the consolidation had occurred only about a month earlier (May 1), and that the transition and planning process will take time. She noted that it is a significant undertaking for the Regional Administrators to travel throughout their new regions to get to know staff, local courts, etc.

John Landsverk asked how the regional consolidation will affect the Department's ability to look at performance trends on GMAP measures, Braam measures, and other metrics. Joel Odimba noted that when he looks at data for the newly consolidated Region 2, he is able to see data at the office level, by the primary and secondary hub areas, and for the region as a whole. The primary and secondary hub areas correspond to the former regions, allowing him to compare of performance over time.

Nancy Sutton noted that the hub areas in her region will be changing, so that the hubs will not directly correspond to the old regional boundaries.

Becky Smith indicated that through the current fiscal year (FY11, ending on June 30, 2011), all data will be produced for the original 6 regions. For the period after June 30, 2011, the Department is looking at how to reconfigure the data. She noted that the consolidation means that there are three regions, not six, so it does not make sense to continue to look at performance for the old regions. Jeanine Long asked for clarification, noting that this would mean it will not be possible to have apples-to-apples comparisons of performance at the regional level over time. Becky Smith confirmed, and Jeanine expressed concern about this change. Jess McDonald noted that it will still be possible to look at performance at the office level, which can be more helpful than looking at larger regions. Dorothy Roberts agreed, but noted that data received by the Braam Panel over the past seven years have been at the regional level, so it still would not be possible to compare over time. Panel members noted that it would still be possible to aggregate or disaggregate the data to facilitate these comparisons, but expressed concern about the fact that this is not likely to occur.

Bill Grimm asked whether there were any plans to close offices in order to save money. Denise Revels Robinson stated that Children's Administration would examine this question for each office as leases come due for renewal. She noted that co-location with other DSHS administrations is one possibility that

might reduce costs and improve coordination of services. Denise noted that CA is expected to show budget savings as a result of the consolidation beginning on May 1.

Rich Pannkuk noted that there are two key initiatives that will help reduce costs. Department-wide, three regional business centers will be created to consolidate functions such as accounting, purchasing, facilities, and vehicle management in a central group for all DSHS administrations. Within CA, functions such as Title IVE eligibility, SSI eligibility, and fiduciary functions will be centralized. The budget requires CA to eliminate 5 full-time positions through the consolidation.

Bill Grimm asked the Regional Administrators to comment on the biggest challenge they are encountering during this transition period. Joel Odimba replied that there are now twice as many people who need something from him, and he is trying to manage expectations for staff and community. Although he will continue to be a hands-on manager, he knows that his role needs to change with the larger region. Marty Butkovitch commented that getting to know how things are done in the part of the region that is new to him has been a challenge, and it will be an ongoing challenge to promote consistency of practice across the entire region. Nancy Sutton agreed. Nancy noted that in her old region, the former Region 5, the offices were some of the largest offices in the state. In the former Region 6 that has now become her responsibility, there are many very small offices. She noted that she is very impressed by the integration of practice and services and the comprehensiveness of the social work approach in these small offices. Nancy indicated that this is giving her ideas for how to improve practice throughout the region.

#### *Status of Budget Reductions- Rich Pannkuk*

Rich Pannkuk brought the group up to date on the Children's Administration budget.

Rich explained to the group that there have been three separate supplemental budgets for the current fiscal year (SFY11), with each budget attempting to deal with new revenue shortfalls. At the start of the fiscal year, CA's total appropriation authority was \$567 million. After several rounds of cuts, the final appropriation authority for SFY11 was \$532 million, a reduction of about \$35 million for the fiscal year. On an annualized basis, there was a reduction of 163 full-time equivalent positions. These cuts were a result of a reduction in Temporary Assistance to Needy Families (TANF) funding to Washington, and therefore affect in-home services, family reconciliation services, and family voluntary services.

Jeanine Long observed that there had been cuts affecting out-of-home placement such as foster home maintenance payments, foster parent recruitment, supervised visits, and others, and asked whether any of these cuts had been restored. Rich Pannkuk explained that the 6% cut to foster home maintenance payments had not been implemented. The Legislature removed proviso language requiring this cut, which gave CA flexibility to find the equivalent dollar savings (\$854,000) in other areas without having to reduce foster parent payments.

Jess McDonald asked about the reduction in services to sexually aggressive youth (SAY). Rich replied that this funding stream had been underspent by about 20%, and the budget cut reduced this appropriation to historic usage levels. Jess McDonald asked whether this means there are delays in the availability of SAY services. Rich said that there should be no delays for these services for budgetary reasons. The

Regional Administrators indicated that they were not aware of situations in which SAY services had been delayed or unavailable. Casey Trupin noted that his understanding had been that these cuts were for services to non-dependent youth. Rich said that he was not aware that this was the case, and reiterated that this funding stream had been under spent in past years.

John Landsverk noted that the largest cuts appear to be in the area of behavioral rehabilitation services (BRS), with a total decrease of \$4.2 million. Rich Pannkuk agreed. He noted that one of Denise Revels Robinson's major initiatives when she had arrived in Washington was to work on stepping youth in higher-end BRS placements down to less restrictive settings. As a result, there are now significantly fewer youth in BRS placements.

Rich then discussed the 2011-2013 biennial budget. He noted that the maintenance level budget (the funding provided to maintain current services) increased by \$18.2 million, driven largely by projected increases in the caseload and pension rate changes. With respect to the policy level budget, the Legislature chose to extend the cuts that had been implemented in the SFY11 supplemental budget. The dollar amount for each of those cuts is now larger, because it is converted to a biennial figure. For example, the cut of 163 full-time equivalent positions in the supplemental budget is actually a cut of 244 positions when considered on a biennial basis.

Jan McCarthy asked for clarification as to whether this staff reduction affects front-line social workers. Rich replied that it does. The number of social workers providing in-home services, family reconciliation services, and family voluntary services is being cut as a result of a reduction in TANF funds.

Rich highlighted several additional budget items, including a 3% salary reduction for staff, a small increase in funding to implement SHB1697 (requiring unannounced social worker visits to 10% of foster homes), and a change in funding for extended foster care to age 21 for youth in post-secondary education (a decrease in state funding, but an overall increase because of the availability of federal matching funds). Rich also pointed out that Medicaid Treatment Child Care is being transferred to the Department of Early Learning.

Jess McDonald asked whether any of the cuts would impact Braam requirements with respect to caseloads. Becky Smith replied that the cuts to social work staff were outside of Braam, affecting in-home services. Rich added that there were some funded vacant positions that CA did not fill, so there could be some small impact on Braam caseloads.

#### Legislative Update- David Del Villar Fox

David Del Villar Fox reported on the recently-completed legislative session. David noted that HB2122 had been introduced by Representative Kagi in the final days of the special session to clarify the intent of HB2106, but the bill had not been passed before the session ended. Similarly, a bill related to adoption subsidies also failed to pass before the end of session.

David provided an updated on the following bills that were passed by the Legislature and signed into law by the Governor:

- SHB 1105 - Child fatality reviews and autopsy reports
- 2SHB 1128 - Extended foster care
- E2SHB 1267 - Domestic partners/ parentage
- HB 1419 - Background check information
- SHB 1697 - Unannounced social worker visits
- ESHB 1774 - Department authority to place with adopted sibling and half siblings. Reinstatement of parental rights. Adoption proceedings.
- SHB 1858 - DSHS Authority related to SCRC, CRC, HOPE Center co-location
- E2SHB 1902 - B & O Tax Exemption
- 2SHB 1903 - Child care background checks
- ESB 5005 - Immunization exemption
- ESSB 5020 - Social worker classification
- SB 5395 - Domestic violence fatality review panels
- ESSB 5656 - State Indian Child Welfare Act

#### Implementation of Initial Health Screen Policy

Joel Odimba reported that CA continues to work to implement the initial health screening policy, focusing on its importance for child safety and well-being. Efforts continue to develop partnerships with medical providers to complete initial health screens and to educate staff and community partners about the importance of the screens.

Joel reported on March 2011 data showing the percentage of children entering placement who received an initial health screen. Data show that 40% of children were screened within 5 days of entry, 49% received a screening in more than 5 days, and there was no record of a screening for 11% of children (44 children). Joel stated that upon further review of the 44 cases in which there was no documented screen, it was found that 10 of those children actually did receive initial health screens that were not documented in time, 2 children received EPSDT exams, 4 children met the exceptions to policy (e.g. placed directly from a hospital or receiving services through a Pediatric Interim Care program or Child Advocacy Center) such that an initial health screen was not required, and 3 children who should not have been included in the data. Of the remaining children, the reason no screening occurred often related to scheduling conflicts for the caregiver.

Joel noted that initial health screens, including tracking and follow up to make sure screens occur and are being prioritized statewide. Region 1 is working with providers to improve billing procedures. In Region 2, a partnership with the Seattle Indian Health Board is being launched. In Region 3, efforts are underway to build capacity across the region through training for staff and foster parents. Across the state, CA is working to normalize initial health screens as an integral part of standard child welfare practice.

Jeanine Long asked about the timeframe for health screens labeled as “over 5 days” in the data. She asked what the longest timeframe would be to be counted in this category. Joel replied that he was not sure, and Denise indicated that CA could follow up and provide that information.

### **Update from Attorney General's Office and plaintiffs' counsel on negotiations for possible extension of Braam Agreement**

Steve Hassett noted that the parties to the Braam Agreement continue to meet regularly to discuss an extension beyond the currently- scheduled settlement end date of July 31, 2011. Steve indicated that the parties are very close to an agreement, although he noted that any agreement will need to be approved by state leaders. Steve noted that the parties' negotiations are currently focused on which outcomes will be included in the agreement. It is expected that the new agreement will have a somewhat smaller number of outcomes, which will be de-linked from the current Braam categories (placement stability, mental health services, foster parent training & information, sibling separation, unsafe & inappropriate placements, and services to adolescents). The group is also discussing the future role of the Braam Panel, as well as the timeframe for the extension. One possibility may be an extension for a fixed period of 1-2 years (tentative) during which the Panel's role would be similar to how it has operated in the past, followed by a period during which the Panel would not have a monitoring or enforcement role but would remain available for consulting with or mediating between the parties. The parties are also discussing specific measurement issues in order to look at Braam outcomes using the most specific and accurate data possible.

Jeanine Long asked whether the parties would have to go to the court for approval of the new agreement. Steve replied that he thought they would.

John Landsverk reminded the parties that the Panel's current contracts end on June 30, 2011. Steve noted that the current agreement expires on July 31, 2011. In the future, it is expected that there would be two reporting periods (January- June and July – December) and two monitoring reports each year. Braam meetings would be aligned with these timeframes. Steve also reported that the parties have discussed streamlining the compliance planning process by requiring the Department to submit compliance proposals along with its performance report in areas in which benchmarks have not been met. Steve also noted that existing compliance plan requirements would be carried forward into the extension period unless the parties specifically agree otherwise.

Bill Grimm agreed with Steve that the parties are very close to an agreement. He noted that there are a handful of outcomes for which the parties are discussing modifications or measurement issues. Steve said that, as much as possible, the parties are working to clarify outcome definitions, data sources, and measurement. If the parties are unable to complete this work, there may be a few areas in which the Panel would be asked to provide technical assistance.

Jan McCarthy noted that it seems odd to hold the last scheduled Braam Panel meeting without some discussion of the accomplishments and challenges of the last seven years. She noted that the Panel had discussed whether to include something like this on the agenda, but had concluded that it would not be appropriate given that the parties are involved in ongoing negotiations about an extension. Jan asked Denise and Steve whether CA has plans to acknowledge and congratulate staff for accomplishments, and also re-energize staff and stakeholders for the work to be done in the future.



Steve Hassett agreed that a summary discussion of what has taken place in the past seven years would be useful. He said that he thought that the Department and stakeholders would be interested in hearing Panel members' perspectives on the Braam process, and he hoped that Panel members would be willing to share their comments in the future. John Landsverk said that Panel members had agreed that it does not make sense to do this while the parties are negotiating, but that they would be open to doing something like this in the future.

Tim Farris noted that he has been involved in the Braam litigation longer than anyone else present. He said that he thinks the Department and others involved in the process should be proud of what has been accomplished. Still, he also noted that he continues to work with children who have been harmed through their experiences in foster care, which leaves him fearful of how children will be protected in the absence of the Braam requirements. He said that it is urgent to continue working toward the reforms required under Braam.

Denise Revels Robinson noted that she and Carrie Wayno would be attending a symposium in late June at which Casey Family Programs will be bringing together about 20 jurisdictions to discuss the opportunities and challenges of class action child welfare litigation. She also noted that after each public meeting, she includes a message in the CA newsletter including the Panel's comments and feedback. She said that it is important to share the Panel's feedback with staff. She noted that the outcomes identified in the Braam lawsuit are good for children. Denise indicated that the Department will be communicating with staff and stakeholders when an extension agreement is reached.

#### **Braam Race/ Ethnicity Data and Update on Efforts to Reduce Disproportionality**

Deborah Purce delivered a presentation on Braam race/ ethnicity data, as well as an update on the activities of the Racial Disproportionality Advisory Committee (RDAC). She noted that the RDAC co-chairs were both out of state this week, and were therefore unable to attend the meeting.

*See handout, slides 5-29: Updates from Children's Administration- Slides:*

[http://www.braampanel.org/MinutesJune11\\_CApresentation.pdf](http://www.braampanel.org/MinutesJune11_CApresentation.pdf)

Deborah noted that in April 2010, the Panel had asked CA to more closely examine race data related to sibling separation and frequency of runaways. The outcomes were identified as showing some evidence of disparity during the first two years for which race/ ethnicity data were available. Deborah noted that a workgroup within CA had identified possible factors that might be associated with disparate outcomes by race in these areas, and CA had analyzed data to examine those factors. She stated that a larger workgroup including RDAC representatives, birth parents, a foster parent, and Braam Panel staff had reviewed the data and discussed possible strategies to reduce disproportionality in these areas.

With respect to sibling placements, Deborah reported that the data analysis had found that full siblings are more likely to be placed together than step or half siblings, children placed with relatives are more likely to be placed with siblings, and siblings close in age are more likely to be placed together. In addition, she noted that larger sibling groups are more likely to be separated, and children of color are more likely than white children to be members of large sibling groups.

John Landsverk asked whether the workgroup had discussed fluctuations in the data over time. For example, in FY10, the racial disparity index for African American children had improved significantly, while it had gotten worse for Native American children. Deborah replied that the workgroup had discussed this issue, but had not come up with any explanation.

With respect to the outcome related to the frequency with which children run away, data analysis found that children are less likely to run when they are placed in same zip code as their removal address, children placed with relatives run less frequently, and children placed with caregivers of color run away less often. Deborah noted that race is not identified in FamLink for a large number of caregivers.

Deborah indicated that the workgroup process, which allowed researchers to talk with practitioners, foster parents, and others, had been valuable. This same process will be used for areas in which disparity is identified in the future.

Dorothy Roberts asked whether researchers have taken the next step to determine whether the factors discussed previously explain the disparities. Deborah indicated that that will be a next step. She noted, however, that disparity on these outcomes has declined, which may mean that there are effective strategies already in place.

Deborah presented data on three additional Braam outcomes that had been identified by the Panel as showing some evidence of disparity based on FY10 data.

For the Braam placement stability outcome (two or fewer placements), data show progress on this measure for white children, but not for children of other racial/ ethnic groups. As a result, the racial disparity indices have increased. Deborah noted that a key question for further examination will be why children of color have not experienced the same improvements in stability as white children over the past few years.

For the outcome on transition/ exit staffings for youth aging out of care, Deborah noted that there is only one year of data and the numbers of children in each racial/ ethnic group are small. Still, she agreed with the Panel's observation that the significant gap in performance for American Indian children when compared to White children (11.5% of American Indian children had a staffing, compared to 31.6% of white children) warrants further review.

With respect to the outcome related to the length of time children are on the run, Deborah noted that the data show disparity for all racial/ ethnic groups when compared to White children.

Deborah noted that the process of convening a workgroup and conducting further data analysis would be used for these outcomes.

Deborah provided an update on the implementation of the racial disproportionality remediation plan developed by the RDAC and adopted by CA. Deborah reported on activities including cultural competence and anti-racism training, compliance with the federal Indian Child Welfare Act, enactment of a Washington State Indian Child Welfare Act, assessment of CA staff using the National Association of

Public Child Welfare Administrators disproportionality diagnostic tool, implementation of the Annie E. Casey Foundation's racial equity tool, and training for mandated reporters.

Steve Hassett noted that the state Indian Child Welfare Act parallels the federal act, but adds to it in key areas such as clarifying definitions and roles related to active efforts and qualified expert witnesses. The act places an emphasis on early identification and notification of tribes. Washington is the fourth state to enact an Indian Child Welfare Act. Steve noted that tribes have been advocating for this legislation since 2004, and the passage of HB2106 provided an additional impetus to move this along. Some tribes noted that although they had fairly strong relationships with DSHS, they were concerned that lead agencies may not have the same level of knowledge or background in Indian child welfare issues.

Deborah noted that 73% of CA staff has taken the NAPCWA disproportionality diagnostic survey, and CA is now compiling answers to identify themes. Training on the Annie E. Casey racial equity tool will take place in late June.

Deborah noted that the disproportionality data analysis conducted by the Washington State Institute for Public Policy (WSIPP) had found Native American children are three times as likely to be referred to Child Protective Services and African American children are twice as likely to be referred. In addition, 60% of referrals are from mandated reporters. Therefore, the disproportionality remediation plan identified education of mandated reports as a possible strategy in reducing disproportionality.

A new "video brochure" aimed at educating mandated reporters about racial disproportionality in child welfare was shown.

Jan McCarthy observed that the Department has conducted extensive data analysis related to racial disproportionality and is implementing numerous remediation strategies. She asked how the agency is tracking the results of these efforts. Deborah Purce noted that the legislation that created the RDAC requires an annual report on disproportionality to the Legislature. She also explained that many of the strategies are just now being implemented, so there has not yet been time to observe their impact. Deborah noted that the Department is beginning to track numerous key metrics by race and ethnicity, not just the measures required by Braam.

Jess McDonald noted that the Department has implemented changes at the front end of the system, and asked whether any changes in substantiation rates or placement rates have been observed. Deborah noted that the past two years have been a period of developing infrastructure, and now the Department is ready to begin testing theories and strategies. Jess asked about alternative response. Deborah noted that she has seen national data suggesting that White children often receive alternative response services, while children of color are placed. She noted that CA's data on in-home services are not as good as placement data, but that this is improving, which will allow the Department to more closely examine these issues.

John Landversk commented that although overrepresentation of African American and Native American children in child welfare is well documented, there is relatively little research on what strategies are effective to reduce disproportionality. Dorothy Roberts agreed, and commented that the work

underway in Washington would be an excellent opportunity for research on what strategies are having an impact.

Denise Revels Robinson noted that training is helpful, but that there is much more to the issue. She noted that the Department needs to create an environment that supports the efforts of staff and leadership to address racial disproportionality and to incorporate this issue into daily practice. She observed that in many cases, the issue of disproportionality relates to the overlap between poverty and neglect.

**Public comment**

Laurie Lippold, Children's Home Society, recalled that she had been at the first Braam Panel meeting nearly 7 years ago, and she commented that there has been progress in many areas since that time. Still, she stated that much remains to be done, and she expressed hope that the parties can come together on an agreement to extend the Braam process.

## **MINUTES**

Braam Oversight Panel  
Department of Labor and Industries Tukwila Office  
Training Room  
12806 Gateway Drive  
Tukwila, WA 98168  
June 7, 2011

**Panel Members:** John Landsverk (Chair), Jan McCarthy, Jeanine Long, Jess McDonald, Dorothy Roberts

**Panel staff:** Carrie Whitaker Hennen

**Plaintiffs' Attorneys:** Casey Trupin, Erin Shea McCann, Bill Grimm, Tim Farris

**Attorney General's Office:** Steve Hassett

**DSHS Staff:** Denise Revels Robinson, Becky Smith, Jeanne McShane, Marty Butkovitch, Joel Odimba, Nancy Sutton, Deborah Purce, David Del Villar Fox, Jessica Pierce, Barb Putnam, Doug Allison

**Others:** Laurie Lippold, Jennifer Strus, Patrick Dowd, Mary Meinig, Megan Palchak, Mary Ellen Ward

**Note:** The minutes are a general summary of discussion and do not attempt to document every comment. The minutes are supplemented by the attached materials and handouts used during the meeting

### **Children's Administration Presentation on Monthly and Quarterly Informational Reports**

*See handouts:*

*Monthly Informational Performance Reports*

[http://www.braampanel.org/MinutesJune11\\_Monthlydata.pdf](http://www.braampanel.org/MinutesJune11_Monthlydata.pdf)

*Quarterly Informational Performance Reports*

[http://www.braampanel.org/MinutesJune11\\_Quarterlydata.pdf](http://www.braampanel.org/MinutesJune11_Quarterlydata.pdf)

Children's Administration presented informational monthly and quarterly data on several Braam outcomes that had been identified prior to the meeting.

#### *CHET Shared Planning Meetings within 60 days of entry to care*

Marty Butkovitch reported that the percentage of children for whom a shared planning meeting focused on the CHET results was held within 60 days of entry to care was 93.5% in February 2011, an improvement from 61.7% in February 2010. He recognized the old Regions 3, 4 and 5 for exceeding the 90% benchmark for the entire quarter.

Marty indicated that Region 1 has worked hard to improve on this measure, and is now performing at 87%. He noted that the Panel had sent a letter to the Department because the Panel had heard comments suggesting that shared planning meetings were not viewed as a priority in Region 1. He said that quality assurance efforts have been strengthened in order to improve performance and documentation on this outcome. John Landsverk clarified that the communication from the Panel had

focused on the question of whether the meetings were occurring and were just not being documented, as had been stated at the previous meeting, or whether meetings weren't occurring at all. Marty indicated that he had looked into this issue. He stated that in most situations the meetings are occurring, but staff are not documenting the meetings and giving themselves credit for the work. He acknowledged that there have been some staff issues in some offices, but he indicated that the meetings are usually occurring. John Landsverk asked whether there is any chance that meetings that are not happening are documented, and Marty replied that there is not.

Marty noted that he has found Area Administrators (AA) to be essential to quality assurance efforts. Once AAs receive the necessary data, they are eager and able to manage performance improvements.

Dorothy Roberts asked about the fluctuations on this outcome. For example, she observed that performance had dipped in the old Region 5 in October before improving in the following months. Nancy Sutton replied that there had been a problem of diffuse leadership responsibility for CHET meetings. After seeing the performance issue in October, regional leadership reconvened and developed a more focused quality assurance and tracking plan. Nancy agreed with Marty's statement about the important role of Area Administrators. She noted that if AAs are provided with office-specific, unit-specific data, they are very interested in using the data to bring about improvements.

Marty said that it is important to normalize these requirements—in other words, to make sure that things like CHET shared planning meetings are considered regular, routine expectations, not special add-on requirements.

Jess McDonald asked about supervisors' management and administrative responsibilities. He commented that supervisors' ability to help social workers prioritize and manage their time is critical. Marty replied that in his region, there has been an effort to make more data available to supervisors to enable them to see what tasks may need follow up. For example, data on monthly visits are made available to supervisors as early as possible in the month, so that they are able to help social workers schedule those visits during the month. A similar process is used for other requirements. Jess noted that in most child welfare systems, a formal supervisory review of each case is required at least once a month. He noted that caseloads in Washington are manageable enough to allow that level of supervision to occur, and he asked whether the expectation of formal supervision every month is a clear expectation of supervisors. Marty replied that it is clearly expected of supervisors. Jess stated that strong supervisory oversight is critically important to making change in a system. He noted that with the regional consolidation, in which RAs can no longer do much hands-on management, a strong model of supervision is even more important.

Denise Revels Robinson agreed. She noted that there is still room for improvement in terms of helping supervisors use FamLink as part of their supervision in order to look at all case requirements and see what has or has not been documented.

Jan McCarthy asked whether the CHET screener or the child's social worker is responsible for convening CHET shared planning meetings and notifying participants. Marty replied that there has been confusion on that question, and his region is still working on those issues. He acknowledged that there is not

consistency. John Landsverk noted that shared responsibility is often problematic, and he asked whether the goal is to have a single point of accountability. Becky Smith agreed that there should be a single person responsible for this, and that it should be consistent across regions.

*Adequate Safeguards for Physically Aggressive/ Assaultive Youth (PAAY)*

Jeanne McShane, Administrator for the Division of Licensed Resources, and Doug Allison, Program Manager, reported on data for the percentage of PAAY children placed with adequate safeguards in place. They noted that performance in the first quarter of FY11 was 64%, an improvement from 59.5% in FY10, but still far short of the 95% benchmark. This outcome is measured through the foster parent survey, and the data show a larger number children being identified as PAAY by foster parents when compared to the number of children documented by CA as meeting the specific definition of PAAY. They hoped that in the future it will be possible to look at this issue using FamLink data, rather than the foster parent survey. They indicated that some preliminary reports have been developed to look at youth identified as PAAY and whether their caregivers have received specialized training.

Jeanne and Doug noted that the Department is planning to make SAY/ PAAY training a requirement for all foster parents, not just those who have a youth with these behaviors in their care. Dorothy Roberts observed that this would help families who are caring for a child who they perceive to have these behaviors, regardless of whether child has been formally identified SAY or PAAY. Jeanne McShane agreed, and added that unlicensed caregivers are invited and encouraged to attend all trainings.

Jess McDonald noted that this is a critical safety issue. He noted that in Illinois, he had seen families destroyed because social workers had not met all requirements and had not shared known information about a child's past behaviors. He noted that a very troublesome case had come to the Panel's attention. In this case, a child with a history of sexually aggressive and other very challenging behaviors was placed with a foster parent who was not informed of the child's history. He noted that the foster parent has requested services, and has not received them. He said that the details of this case would be shared with DSHS for follow up. He expressed great concern that this critical information had been withheld from foster parents and that this child had been placed without a safety plan in place. Dorothy Roberts added that the foster parents in this case have specifically indicated that they are only prepared to serve children without intensive behavioral needs, yet this child was still placed with them. Jess noted that he was very concerned about threats to the child and family's safety in this case. He said that in this case, the foster parent and the private agency have asked for assistance and have involved the supervisor, and he is shocked that action has not been taken.

John Landsverk explained that the Panel had received this information from a foster parent and had discussed these issues at length. He reminded the group that the Panel has typically not gotten involved in individual cases in the past, and instead has encouraged parents, foster parents, and others who contact the Panel about specific cases to work with DCFS supervisors, area administrators, and others, and to work with the Ombudsman's office. However, in this case, the Panel was concerned about safety issues and asked for the foster parent's permission to share the case information with Denise Revels Robinson. John noted that the information would be shared with Denise today following the meeting.

Jan McCarthy asked more generally about data related to SAY and PAAY. She asked whether FamLink data on safety plans are available.

Doug Allison indicated that the goal is to be able to use FamLink data to examine youth who have been identified as SAY/ PAAY and see whether they are placed with caregivers who have received specialized training and whether safety plans are in place. An ad hoc FamLink report has been developed, and this report is sent to the regions for review and reconciliation. CA is working to improve the accuracy of this report, and believes that it could be an excellent tool for quality assurance.

Tim Farris asked whether there is policy or practice that a youth identified as sexually aggressive should not be placed in a home in which there is a vulnerable child. Jeanne McShane replied that she did not believe that this is in policy, but that it is the practice. Tim noted that he had been involved in the case of a child who was autistic and mentally retarded who was placed with and victimized by a sexually aggressive youth. He noted that even if there is a safety plan and a trained caregiver, there may be situations in which certain children simply should not be placed together. In addition, he noted that just because a youth has not been formally identified as SAY, they may still have behaviors that could threaten other youth.

Jess McDonald agreed, noting that in the past he had heard CA express deep concerns about not labeling youth as SAY or PAAY prematurely. He noted, however, that this can mean that the safety issues for other children with whom they are placed may be ignored.

Jan McCarthy asked for clarification- if CA does not have policy on placing SAY children with vulnerable children but believes that it is the practice, how is staff made aware of these expectations? Jeanne McShane indicated that she may have been mistaken, and that there is policy related to placement of SAY youth. Steve Hassett noted that there had been policy changes related to placement of SAY/ PAAY youth related to Braam.

John Landsverk commented that it would be helpful for the Panel to see the Department's current policy on placement of SAY/ PAAY youth. He also indicated that the Panel would provide Denise with the details of the specific case discussed earlier, and will expect a response from the Department about what is happening with the case.

#### Monthly social worker visits

Nancy Sutton reported that 96% of youth in out-of-home care for whom a monthly visit was required received a visit in March 2011. She noted that youth placed out of state under interstate compact agreements are included in the total figures. CA does not conduct these visits and is reliant on the receiving state to ensure these contacts are made. She noted that there are about 200 of these children, and they are disproportionately represented in the group of children who do not receive visits.

Casey Trupin asked whether the Department could provide the details of this data, and they indicated that they would do so.



Nancy noted that CA leaders are working to ensure not only that visits are occurring, but that social workers are using these visits to assess child safety, move the permanency plan forward, look at the child's connections to siblings and other family, and assess well-being.

John Landsverk noted that there has been dramatic improvement in performance on monthly visits over the past few years, and that it is encouraging to see this high level of performance being maintained despite budget cuts in many areas.

Casey Trupin agreed that performance has improved dramatically, but he noted that the Braam outcome looks at monthly visits during each and every month over a calendar year. He asked whether the Department has a sense of what needs to be done to reach 95% performance on this measure. Nancy replied that CA continues to focus on ensuring that all children are being visited. Reports are generated on children for whom visits have been missed, and there is quick follow up to ensure that these children are visited immediately.

Tim Farris noted that in almost all of the cases he has seen in which children have been harmed, social workers have failed to regularly visit children in their placements. He noted that most of these problems took place before the monthly visit policy was put in place and implemented consistently. Tim asked whether workers are identifying potentially unsafe situations now that they are seeing children more frequently. Nancy indicated that they are. She said that monthly visits provide an opportunity to intervene when there is a worrisome situation and to provide supports to caregivers earlier to prevent a placement from falling apart.

#### *Sibling visits and contacts*

Nancy Sutton noted that the percentage of children who had two or more monthly visits or contacts with their siblings has remained fairly flat. In the first quarter of FY11, performance was 48%, compared to 45% in FY10. The benchmark for this outcome is 90%. Nancy indicated that improving performance in this area has been challenging. In addition, there are concerns about measurement of this outcome through the foster parent survey, and the Department is proposing a case review process to assess performance on this outcome.

Nancy called the group's attention to a flyer entitled "Keeping Brothers and Sister Connected," which has recently been finalized and will be distributed to staff, caregivers and others. Jeanne McShane noted that Washington's Camp to Belong, which allows siblings to come together, recently received national recognition because more children in Washington participate than in other states.

Steve Hassett reminded the group that measurement of this outcome through the foster parent survey has changed several times over the past few years, so performance across time periods cannot be directly compared. John Landsverk asked whether the parties are discussing how to measure this outcome if it remains in an extended Braam agreement. Steve confirmed that they are discussing a case review process. Steve noted that although FamLink can capture sibling contacts and visits, many visits are facilitated directly by caregivers and social workers may not have the information to document these visits. In addition, he noted that the current measure treats all visits and contacts the same—so, the Department would be counted as in compliance for a case in which siblings placed apart had two

phone calls during a month, but not for a case in which siblings had a day-long visit. A case review would capture these differences.

John Landsverk agreed that this issue is very complex, and he said he was hopeful that the parties would come up with a measurement approach that is accurate and sensitive to change.

#### Transition (Exit) Staffings for Youth Age 17.5

Joel Odimba reported that 90% of youth age 17.5 had a transition staffing prior to their exit from care in March 2011, compared to the benchmark of 95% and an increase from 27% in FY10. He noted that most regions had shown significant progress on this outcome. The old Region 2 showed the lowest performance in this area, and has recently implemented quality assurance measures to ensure they are tracking these cases.

Several new management reports have been developed to help regions manage performance on this outcome. Joel noted that the small population of children aging out of care who are affected by this outcome means that there is considerable regional variation each month.

Steve Hassett reminded the group that this is an outcome that the Department had not focused on until fall of 2010, when policy changes were implemented and a tickler in FamLink was developed. He noted that there has been great progress in a short time.

Erin Shea McCann reported that plaintiffs' counsel had received feedback that these meetings are sometimes just a formality so that the Department can check off a box that the meeting has taken place, rather than a quality staffing designed to help prepare youth for the transition to independence. She asked whether the quality of these meetings is being reviewed.

Joel replied that the quality assurance process includes reports to monitor the number of children who need staffings and required timeframes, and that there are specific issues that are supposed to be addressed in the meetings. He said that they believe the overall quality is high.

John Landsverk followed up, asking whether there is any mechanism to know whether the meeting was helpful from the adolescent's point of view as the consumer of this service. Barb Putnam noted that the Passion to Action group, which includes current foster youth and recent alumni of care, has been involved in designing these meetings. She suggested that the Department could ask for feedback on this issue from this group at the next Passion to Action meeting. Casey Trupin agreed that this would be helpful, noting that plaintiffs' counsel had heard negative comments about these meetings for a number of cases across the state. Denise Revels Robinson agreed that this issue should be taken to the Passion to Action group.

The group discussed national research on the percentage of youth in foster care who experience homelessness and the poor educational outcomes and low graduation rates for these youth. The group agreed that this is a vulnerable population for whom strong transition planning and services are essential.

Steve Hassett noted that the Family Unification Program vouchers that were recently awarded to the state can be used for youth exiting care. Denise Revels Robinson indicated that youth aging out of foster care will be identified as a priority population for Section 8 housing through these vouchers. She said that the vouchers were just awarded to the state last week, and the Department will update stakeholders on how they are being used in the future.

**Mental Health Medication Management in Washington State and National Benchmarking-  
*presentation cancelled***

John Landsverk announced that Dr. Jeff Thompson's presentation would be cancelled for the day because of a miscommunication about logistics.

**Plaintiffs' comments- Casey Trupin**

Casey Trupin commented that the plaintiffs have been pleased to see progress on many Braam outcomes, and look forward to more improvements as time goes on.

Casey noted that this would be the last meeting that Steve Hassett would attend before his retirement in August. Plaintiffs' counsel and Panel members expressed their appreciation for Steve's expertise, professionalism, collegiality and sense of humor and for his great contributions to the Braam process.

John Landsverk adjourned the meeting.

**Handouts:**

CA Updates, Denise Revels Robinson

[http://www.braampanel.org/MinutesJune11\\_CAupdates.pdf](http://www.braampanel.org/MinutesJune11_CAupdates.pdf)

Updates from Children's Administration - Slides:

[http://www.braampanel.org/MinutesJune11\\_CApresentation.pdf](http://www.braampanel.org/MinutesJune11_CApresentation.pdf)

Monthly Informational Performance Reports

[http://www.braampanel.org/MinutesJune11\\_Monthlydata.pdf](http://www.braampanel.org/MinutesJune11_Monthlydata.pdf)

Quarterly Informational Performance Reports

[http://www.braampanel.org/MinutesJune11\\_Quarterlydata.pdf](http://www.braampanel.org/MinutesJune11_Quarterlydata.pdf)